

DETAILED ACTION

1. This action is in response to amendment filed 01/30/2009.

Response to Amendment

2. Applicant's after final amendment filed January 30, 2009, has been entered.
3. Applicant's remarks/amendment, see page 7, filed 01/30/2009, have been fully considered, and as a result claims 10-12 and 25, 27-28 now indicated allowable. Claims 1-9, 13-24, 26 and 29-31 stand cancelled. However, because of minor claim deficiency an examiners amendment was considered necessary in order to advance prosecution in the case. The examiner's amendment follows.
- 4.

EXAMINER'S AMENDMENT

5. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Lawrence J. Bassuk on 2/18/2009.

The application has been amended as follows:

IN THE CLAIM(S):

Claims 25, line 5, after "the estimate circuit", the word -- selectively -- has been deleted.

Allowable Subject Matter

6. Claims 10-12 and 25, 27-28 allowed.

Reason for Allowance

7. The following is an examiner's statement of reasons for allowance:

The prior art of record in combination with other claimed limitations neither teaches nor renders obvious a method comprising:

comparing the output signal to a first reference signal;

producing a first control signal indicating one of transmit diversity and no transmit

diversity of the input signal in response to the step of comparing when the output signal

has a value greater than a value of the first reference signal; comparing the output signal to a second reference signal; and

producing a second control signal indicating the other of transmit diversity and no

transmit diversity of the input signal in response to the step of comparing when the

output signal has a value less than a value of the second reference signal.

Such limitation as recited in independent claims 10 is neither anticipated nor rendered obvious by the prior art of record.

Further the prior art of record in combination with other claimed limitations neither teaches nor renders obvious a circuit comprising:

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a measurement circuit coupled to receive the input signal, the measurement circuit producing an output signal corresponding to the input signal; and
a comparator circuit coupled to receive the output signal, a first reference signal and a second reference signal, the comparator circuit arranged to produce a second control signal in response to a comparison of the output signal, the first reference signal and the second reference signal.

Such limitation as recited in independent claims 25 is neither anticipated nor rendered obvious by the prior art of record.

The claims 11-12 and 27-28 are allowed by virtue of their dependency to claims noted above.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Contact Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Qutbuddin Ghulamali whose telephone number is (571)-272-3014. The examiner can normally be reached on Monday-Friday, 7:00AM - 4:30PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chieh M. Fan can be reached on (571) 272-3042. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

QG.

February 18, 2009.

/Chieh M Fan/

Supervisory Patent Examiner, Art Unit 2611